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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/426,023 10/25/99 BOSS

H GR-27

EXAMINER

PM82/1102

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SUITE 1921  
NEW YORK NY 10173

SHAPIRO, J

ART UNIT

PAPER NUMBER

3651  
DATE MAILED:

11/02/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/426,023

Applicant(s)

BOSS, HEINZ

Examiner

Jeffrey A. Shapiro

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-10 rejected under 35 U.S.C. 102(b) as being anticipated by Harris. Harris discloses an apparatus for collecting, stitching, and cutting printed products as follows.

As described in Claim 1:

- 1.) An endless collector chain (12);
- 2.) Successively arranged feeders (14c and 14d) mounted above the collector chain;
- 3.) A stitching device (30);
- 4.) A delivery unit (32);
- 5.) a drive unit (20) comprised of at least one servo drive and a collector chain drive connected to the collector chain *and configured to control the first servo drive* through a signal line in a synchronously timed manner, *wherein the first servo drive is configured to drive* additional units of the apparatus (Note that such a combination is well known in the art. See, for example, incorporated patent 4,768,766, elements (50, 65, and 67), col. 6, lines 38-42). See also Chang, noting that motor (60) drives devices (57), for example. Note also that the abstract of Chang (US

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5,777,443) indicates that the controller is operable in an independent mode or a synchronous mode.)

As described in Claim 2:

6.) The servo drive is configured to drive at least one of a stitching machine and a trimmer and at least one feeder (Note that said stitcher and trimmer are controlled by the same data processors (22 and 18), implying that servo drive or its functional equivalent is used by the device of Harris);

As described in Claim 3:

7.) Additional servo drives for individually driving the feeders (Note that said feeders are linked to said data processors (22 and 18) implying servo drives or the equivalent are used to control said feeders);

As described in Claim 5;

8.) The collector chain drive is configured as master and the servo drive and the additional servo drives are each configured as slaves (Note that data processor (22) controls all components, some through slaved bindery control (18) which is a functional equivalent to a master/servant configuration);

As described in Claim 6;

9.) The additional servo drives are configured to follow the collector chain drive configured as a servo drive synchronously with respect to rotation (Note that it is inherent that in order for data processor (22) to control various components of the system, many, if not all of which

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comprise shafted and geared components, that synchronous drive with respect to rotation must be effected);

As described in Claim 7;

10.) Each feeder (14a-d) is configured to be operated individually relative to the collector chain (See col. 8, lines 53-64);

As described in Claim 8;

11.) Electronic means for adjusting a speed of the collector chain according to the different chain spacings (See figure 1);

As described in Claim 9;

12.) The servo drive of the collector chain comprises an overload function (Note that it is inherent in industry to use servo drives having an overload function);

As described in Claim 10;

13.) Electronic means for carrying out the time adjustment of the feeders relative to the collector chain (Again, note data processors (22 and 18)).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harris.

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Regarding Claim 4, it would be obvious and well known to one ordinary skilled in the art to use a second servo drive as the collector chain drive so as to incorporate computer control to a drive system. Again, note that Harris discloses a servo motor (20) for driving a chain. Additionally, Chang provides further evidence that this is a prolific configuration within the art. See figure 6, noting motors (94 and 96).

### ***Response to Arguments***

5. Applicant's arguments filed 8/17/01 have been fully considered but they are not persuasive.

Harris discloses an endless collector chain, feeders, a stitching device, a delivery unit, and a drive unit. As indicated by Berger et al, the drive unit has at least one servo drive and a collector chain. Note also that a gear drive (65) with chain drive gear (66) is also included with a signal generator (67). This signal generator is in communication with a control data processor (30). It is inherent that in order for computer control of a mechanical system to be effected, the components of a system must behave in a highly predictable manner. The word "synchronous" is defined in Merriam-Webster's Collegiate Dictionary, 10<sup>th</sup> ed., p. 1196, as follows.

1.) happening, existing, or arising at precisely the same time, 2.) recurring or operating at exactly the same periods, 3.) involving or indicating synchronism, 4a.) having the same period and phase, 4b.) geostationary, 5.) of, used in, or being digital communication (as between computers) in which a common timing signal is established that dictates when individual bits can be transmitted, in which characters are not individually delimited, and which allows for very high rates of data transfer.

From this definition, it is clear that the components mentioned above as being disclosed in Harris and Berger et al are inherently synchronous. Inherency is the concept that the components of an invention, by inference, behave in a particular

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manner, or in order to work as described, must by implication include a certain component.

The chain gear drive and chain are connected to a servo motor and signal generator. It is inherent that the workings of these components must work together in a recurring, predictable manner. When the gear drive moves, the chain moves, which is detected by the servo motor encoder which changes analogue to digital output for signaling a computer. The incorporation of the signal generator further indicates a timing signal exists which allows for computer control to be effected. The operation of these components, and infact, the entire apparatus, operates in a synchronous fashion. Whether or not operator involvement in such computer control is indicated or not, the apparatus nonetheless operates in a predictable manner. In addition, when the claim language is read according to plain meaning and reasonably construed it is understood that an operator could set up such a human-assisted-computer-controlled apparatus to operate in a constant state (where operator input parameters are not changed) in which the apparatus would still operate in a synchronous manner. The fact that the device allows custom batch jobs to be run appears to be inconsequential to the issue at hand. At the very least, it is well known to those ordinarily skilled in the art to drive several pieces of machinery off of one drive, and to use servo motors in such a configuration to promote computer control.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See

MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is (703)308-3423. The examiner can normally be reached on 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher P. Ellis can be reached on (703)308-2560. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-0552 for regular communications and (703)308-0552 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.



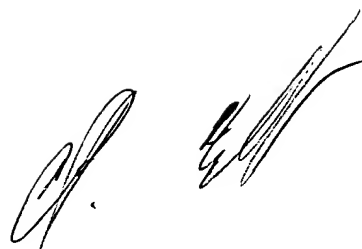
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Jeffrey A. Shapiro  
Patent Examiner,  
Art Unit 3651

November 1, 2001



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SUPERVISORY PATENT EXAMINER  
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